

The Humanitarian Charter



The Humanitarian Charter provides the ethical and legal backdrop to the Protection Principles and the Core Standards and minimum standards that follow in the Handbook. It is in part a statement of established legal rights and obligations; in part a statement of shared belief.

In terms of legal rights and obligations, it summarises the core legal principles that have most bearing on the welfare of those affected by disaster or conflict. With regard to shared belief, it attempts to capture a consensus among humanitarian agencies as to the principles which should govern the response to disaster or conflict, including the roles and responsibilities of the various actors involved.

It forms the basis of a commitment by humanitarian agencies that endorse Sphere and an invitation to all those who engage in humanitarian action to adopt the same principles.

The Humanitarian Charter

Our beliefs

1. The Humanitarian Charter expresses our shared conviction as humanitarian agencies that all people affected by disaster or conflict have a right to receive protection and assistance to ensure the basic conditions for life with dignity. We believe that the principles described in this Humanitarian Charter are universal, applying to all those affected by disaster or conflict wherever they may be, and to all those who seek to assist them or provide for their security. These principles are reflected in international law, but derive their force ultimately from the fundamental moral principle of **humanity**: that all human beings are born free and equal in dignity and rights. Based on this principle, we affirm the primacy of the **humanitarian imperative**: that action should be taken to prevent or alleviate human suffering arising out of disaster or conflict, and that nothing should override this principle.

As local, national and international humanitarian agencies, we commit to promoting and adhering to the principles in this Charter and to meeting minimum standards in our efforts to assist and protect those affected. We invite all those who engage in humanitarian activities, including governmental and private sector actors, to endorse the common principles, rights and duties set out below as a statement of shared humanitarian belief.

Our role

2. We acknowledge that it is firstly through their own efforts, and through the support of community and local institutions, that the basic needs of people

affected by disaster or conflict are met. We recognise the primary role and responsibility of the affected state to provide timely assistance to those affected, to ensure people's protection and security and to provide support for their recovery. We believe that a combination of official and voluntary action is crucial to effective prevention and response, and in this regard National Societies of the Red Cross and Red Crescent Movement and other civil society actors have an essential role to play in supporting public authorities. Where national capacity is insufficient, we affirm the role of the wider international community, including governmental donors and regional organisations, in assisting states to fulfil their responsibilities. We recognise and support the special roles played by the mandated agencies of the United Nations and the International Committee of the Red Cross.



3. As humanitarian agencies, we interpret our role in relation to the needs and capacities of affected populations and the responsibilities of their governments or controlling powers. Our role in providing assistance reflects the reality that those with primary responsibility are not always fully able to perform this role themselves, or may be unwilling to do so. As far as possible, consistent with meeting the humanitarian imperative and other principles set out in this Charter, we will support the efforts of the relevant authorities to protect and assist those affected. We call upon all state and non-state actors to respect the impartial, independent and non-partisan role of humanitarian agencies and to facilitate their work by removing unnecessary legal and practical barriers, providing for their safety and allowing them timely and consistent access to affected populations.

Common principles, rights and duties

4. We offer our services as humanitarian agencies on the basis of the principle of humanity and the humanitarian imperative, recognising the rights of all people affected by disaster or conflict – women and men, boys and girls. These include the rights to protection and assistance reflected in the provisions of international humanitarian law, human rights and refugee law. For the purposes of this Charter, we summarise these rights as follows:

- ▶ ***the right to life with dignity***
- ▶ ***the right to receive humanitarian assistance***
- ▶ ***the right to protection and security.***

While these rights are not formulated in such terms in international law, they encapsulate a range of established legal rights and give fuller substance to the humanitarian imperative.

5. The **right to life with dignity** is reflected in the provisions of international law, and specifically the human rights measures concerning the right to life, to an adequate standard of living and to freedom from torture or cruel, inhuman or degrading treatment or punishment. The right to life entails the duty to preserve life where it is threatened. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance. Dignity entails more than physical well-being; it demands respect for the whole person, including the values and beliefs of individuals and affected communities, and respect for their human rights, including liberty, freedom of conscience and religious observance.

6. The **right to receive humanitarian assistance** is a necessary element of the right to life with dignity. This encompasses the right to an adequate standard of living, including adequate food, water, clothing, shelter and the requirements for good health, which are expressly guaranteed in international law. The Sphere Core Standards and minimum standards reflect these rights and give practical expression to them, specifically in relation to the provision of assistance to those affected by disaster or conflict. Where the state or non-state actors are not providing such assistance themselves, we believe they must allow others to help do so. Any such assistance must be provided according to the principle of **impartiality**, which requires that it be provided solely on the basis of need and in proportion to need. This reflects the wider principle of **non-discrimination**: that no one should be discriminated against on any grounds of status, including age, gender, race, colour, ethnicity, sexual orientation, language, religion, disability, health status, political or other opinion, national or social origin.

7. The **right to protection and security** is rooted in the provisions of international law, in resolutions of the United Nations and other intergovernmental organisations, and in the sovereign responsibility of states to protect all those within their jurisdiction. The safety and security of people in situations of disaster or conflict are of particular humanitarian concern, including the protection of refugees and internally displaced persons. As the law recognises, some people may be particularly vulnerable to abuse and adverse discrimination due to their status such as age, gender or race, and may require special measures of protection and assistance. To the extent that a state lacks the capacity to protect people in these circumstances, we believe it must seek international assistance to do so.

The law relating to the protection of civilians and displaced people demands particular attention here:

- (i) During **armed conflict** as defined in international humanitarian law, specific legal provision is made for protection and assistance to be given to those not engaged in the conflict. In particular, the 1949 Geneva Conventions and the Additional Protocols of 1977 impose obligations on the parties

to both international and non-international armed conflicts. We stress the general immunity of the civilian population from attack and reprisals, and in particular the importance of the principle of **distinction** between civilians and combatants, and between civilian objects and military objectives; the principles of **proportionality** in the use of force and **precaution** in attack; the duty to refrain from the use of weapons which are indiscriminate or which, by their nature, cause superfluous injury or unnecessary suffering; and the duty to permit impartial relief to be provided. Much of the avoidable suffering caused to civilians in armed conflicts stems from a failure to observe these basic principles.

- (ii) The **right to seek asylum or sanctuary** remains vital to the protection of those facing persecution or violence. Those affected by disaster or conflict are often forced to flee their homes in search of security and the means of subsistence. The provisions of the 1951 Convention Relating to the Status of Refugees (as amended) and other international and regional treaties provide fundamental safeguards for those unable to secure protection from the state of their nationality or residence who are forced to seek safety in another country. Chief among these is the principle of **non-refoulement**: the principle that no one shall be sent back to a country where their life, freedom or physical security would be threatened or where they are likely to face torture or other cruel, inhuman or degrading treatment or punishment. The same principle applies by extension to internally displaced persons, as reflected in international human rights law and elaborated in the 1998 Guiding Principles on Internal Displacement and related regional and national law.

Our commitment

8. We offer our services in the belief that the affected population is at the centre of humanitarian action, and recognise that their active participation is essential to providing assistance in ways that best meet their needs, including those of vulnerable and socially excluded people. We will endeavour to support local efforts to prevent, prepare for and respond to disaster, and to the effects of conflict, and to reinforce the capacities of local actors at all levels.

9. We are aware that attempts to provide humanitarian assistance may sometimes have unintended adverse effects. In collaboration with affected communities and authorities, we aim to minimise any negative effects of humanitarian action on the local community or on the environment. With respect to armed conflict, we recognise that the way in which humanitarian assistance is provided may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the parties to the conflict. We are



committed to minimising any such adverse effects, in so far as this is consistent with the principles outlined above.

10. We will act in accordance with the principles of humanitarian action set out in this Charter and with the specific guidance in the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (1994).

11. The Sphere Core Standards and minimum standards give practical substance to the common principles in this Charter, based on agencies' understanding of the basic minimum requirements for life with dignity and their experience of providing humanitarian assistance. Though the achievement of the standards depends on a range of factors, many of which may be beyond our control, we commit ourselves to attempting consistently to achieve them and we expect to be held to account accordingly. We invite all parties, including affected and donor governments, international organisations, private and non-state actors, to adopt the Sphere Core Standards and minimum standards as accepted norms.

12. By adhering to the Core Standards and minimum standards, we commit to making every effort to ensure that people affected by disasters or conflict have access to at least the minimum requirements for life with dignity and security, including adequate water, sanitation, food, nutrition, shelter and healthcare. To this end, we will continue to advocate that states and other parties meet their moral and legal obligations towards affected populations. For our part, we undertake to make our responses more effective, appropriate and accountable through sound assessment and monitoring of the evolving local context; through transparency of information and decision-making; and through more effective coordination and collaboration with other relevant actors at all levels, as detailed in the Core Standards and minimum standards. In particular, we commit to working in partnership with affected populations, emphasising their active participation in the response. We acknowledge that our fundamental accountability must be to those we seek to assist.